

Thomas-Jensen Affirmation

Exhibit # 116

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK; et al.,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as
President of the United States; et al.,

Defendants.

C.A. No. 1:25-cv-00039-JJM-PAS

DECLARATION OF JENNY HEDDIN

I, Jenny Heddin, hereby declare:

1. I am over the age of 18, competent to testify as to the matters herein, and make this declaration based on my personal knowledge and the records of the Washington State Department of Children, Youth, and Families (DCYF) to which I have access.

2. I am the Deputy Secretary, Chief of Staff, for the Department of Children, Youth, and Families (DCYF) for the State of Washington. I have served as the Deputy Secretary, Chief of Staff of DCYF since my appointment October 6, 2023. I served as the Finance Director for Children's Administration from 2013 until the creation of DCYF in 2018. I also served as the Chief Financial Officer for DCYF from its creation until moving into other administrative roles in 2022. In these various roles, I oversaw the administration of the full array of financial activities for DCYF. I hold a Master's in Public Administration and have worked for Washington State for 20 years.

3. DCYF is a Cabinet-level Washington State agency focused on the well-being of children. Its mission is to ensure that Washington State's children and youth grow up safe and healthy, thriving physically, emotionally, and academically, nurtured by family and community.

DCYF is the lead agency for services that support children and families to build resilience and health, and to improve educational outcomes. It partners with state and local agencies, tribes, and other organizations in communities across the State of Washington. DCYF focuses on supporting children and families at their most vulnerable points, giving them the tools they need to succeed. According to brain science, laying a strong foundation early in life critically impacts healthy development. And addressing trauma, especially at critical transition points in the lives of youth, helps ensure successful transition into adulthood. To truly give all children the great start in school and life they deserve, DCYF was created to be a comprehensive agency exclusively dedicated to the social, emotional, and physical well-being of children, youth and families—an agency that prioritizes early learning, prevention, and early intervention at critical points along the age continuum from birth through adolescence.

4. In service of its mission, the Department of Children, Youth, and Families provides lifesaving services in support of the people of Washington State. DCYF operates Washington State’s child welfare, child protection, juvenile rehabilitation, early learning, child care licensing and foster care licensing systems. To support these systems, DCYF plays a critical role in budget planning, policy development, and fiscal administration on behalf of tens of thousands of vulnerable children and families.

5. As the Deputy Secretary, Chief of Staff, I oversee all aspects of DCYF programs and ensure that DCYF is providing accurate programmatic information and policy support to the Governor, Legislature, and the public.

6. I am aware of the January 27, 2025, memorandum (M25-13) from the Office of Management and Budget Acting Director Matthew J. Vaeth regarding a “Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs.” This memorandum directed all federal agencies to, among other things, “temporarily pause all activities related to obligation or disbursement of all Federal financial assistance” for an undisclosed amount of time. If this or a similar pause of federal financial assistance were to go into effect, it would immediately cripple vital services and funding for Washingtonians and providers alike.

7. The withholding of federal funds previously appropriated by Congress to fund child welfare and other vital services supporting and protecting Washington children and families is a direct attack on vulnerable U.S. citizens, including those in Washington. Failure to continue any one of, much less all, the programs that currently receive Congressionally appropriated federal funds will have immediate, detrimental and costly impacts on the people and economy of Washington State for years to come.

8. Washington State laws and regulations that govern DCYF's Child Welfare Programs were specifically crafted to comply with federal statutory and regulatory requirements in the expectation that the financial partnership between the state and federal government would maximize resources available to ensure that Washington State children and families have the opportunity to thrive in safe, healthy environments. As a prerequisite to the receipt of funds, the federal government reviewed and approved state plans for participation in the following programs:

- a. Title IV-E State Plan – Foster Care/Adoption Assistance/Guardian Assistance (includes monthly payments to foster parents, adoptive parents and guardians)
- b. Advanced Planning Document (IV-E CCWIS/IT funding) – Funds our child welfare case management system
- c. Child Care Development Fund Plan – Funds child care services
- d. Title IV-B Child and Family Services Plan (CFSP) and Annual Progress and Services Report (APSR) – Funds child welfare services by promoting the welfare of all children, preventing child abuse and neglect, supporting families to safely keep children in their homes, promoting safety and welfare of children in foster care, and promoting and supporting adoption.
- e. Title IV-E Training Plan – Funds eligible training for workforce and caregivers.

9. By incorporating aspects of federal funding requirements into the fabric of the law, Washington State committed itself morally and financially to the welfare of its children. The

federal government committed Congressionally appropriated funds to make that possible. Withholding federal financial assistance to these programs would be a dereliction of the federal government's commitments that would irreparably damage foundational aspects of Washington's public child welfare system resulting in immediate and vast harms to the children and families this system serves.

10. DCYF has a wide array of programs and services for vulnerable children and families, impacting tens of thousands of Washingtonians across the state. From early education and childhood development to foster care, childcare, and rehabilitative services, the impacts of a reduced level of promised federal funding will do extensive harm to some of the most vulnerable populations in Washington State.

11. The Washington State Office of Financial Management regularly calculates its State Expenditure of Federal Awards (SEFA) with all federal funds that the State receives in a given fiscal year. For the most recently completed fiscal year FY2024, running from July 1, 2023, to June 30, 2024, DCYF received **\$730,706,110** in federal funding for direct client services.

12. Federal Grant awards cover a breadth of programmatic areas allowing for services that cross the spectrum of childhood safety, development, and learning.

13. **The Office of Juvenile Justice and Delinquency Prevention Formula Award** is awarded through the Department of Justice and is a Title I of Public Law 90-351 of the Omnibus Crime Control and Safe Streets Act of 1968. The total federal expenditures per the 2024 SEFA were \$807,217. This critical funding supports juvenile delinquency prevention activities and evidence-based improvements to the state's juvenile justice system. In partnership with the Center for the Study and Advancement of Justice Effectiveness, work is focused on reducing racial and ethnic disparities in the juvenile justice system, building more culturally responsive and effective services into pre-court diversion programs, improving the availability and responsivity of evidence-based programs, and expanding data access and analysis.

14. **The Special Education – Grants for Infants and Families with Disabilities** is granted through the United States Department of Education and is identified in Public Law 105-17 PART – C Individual with Disabilities Education Act. The total federal expenditures per the 2024 SEFA was \$13,911,568. This critical funding assists states with implementing and maintaining a statewide system to identify, evaluate, and provide early intervention services to infants and toddlers with disabilities and their families.

15. The majority of the funding sources for the populations served by DCYF are housed within the United States Department of Health and Human Services (HHS). The Administration of Children and Families (ACF) is within HHS, and it administers multiple federal grants that impact DCYF programs, totaling **\$715,987,325** per the 2024 SEFA. Specific awards from ACF to DCYF are as follows:

- a. **The Child Welfare Early Learning Navigator and Washington Strengthening Families** grants are found in 42 USC 5101, which had total federal expenditures per the 2024 SEFA of \$761,522. The goals of these programs are to promote long-term positive outcomes for children and decrease subsequent reports of abuse or neglect and out-of-home placements for families with active child welfare cases. Programmatic focuses are to help families become stronger together through a variety of tactics including home visiting, community outreach and partnerships, and funding opportunities with local organizations.
- b. **The Education and Training Voucher** grant per Section 477 of the Social Security Act, had total federal expenditures per the 2024 SEFA of \$1,251,531. The Education and Training Voucher Program provides eligible foster youth and youth involved with the child welfare system with a voucher to attend an institution of higher education per academic year. Funds cover a variety of needs which include, but are not limited to, tuition, fees, books, supplies, and an allowance for transportation and childcare.

- c. **Adoption Opportunities – Washington Permanency from Day One Initiative** grant per 42 USC 5101, Section 106(a), had total federal expenditures per the 2024 SEFA of \$1,361,754. This is a 5-year cooperative agreement with the Children’s Bureau within ACF to provide resources to build system capacity to support children removed from their homes, as well as their families and the workforce who serve these families, to achieve improved permanency outcomes.
- d. **The Independent Living Skills** grant, per Section 477 of the Social Security Act, had total federal expenditures per the 2024 SEFA of \$3,526,274. Funding assists States in designing programs to successfully help foster youth transition to adulthood and self-sufficiency. Services and activities provided to foster youth to assist with the transition to self-sufficiency include but are not limited to: educational help and support, employment, financial management, housing, emotional support, and fostering connections to caring adults.
- e. **The Community Based Child Abuse Prevention** grant, per Title II of the Child Abuse Prevention and Treatment Act Amendments of 1996, had total federal expenditures per the 2024 SEFA of \$3,153,652. The focus of these funds is to prevent child abuse and neglect through education and public awareness, including through community-based services and resources. Services range from comprehensive support for families to promoting the improved development of parenting skills.
- f. **The Marylee Allen Promoting Safe and Stable Families Program; Title IV-B Subpart 1, Stephanie Tubbs Jones Child Welfare Services** grant, per Sections 421-429 of the Social Security Act, had total federal expenditures per the 2024 SEFA of \$5,945,722. These programmatic funds target child welfare services aimed at accomplishing the following purposes:
 - protect and promote the welfare of all children

- prevent neglect, abuse, or exploitation of children
- support families with a child at risk of being removed through services which allow children, where safe and appropriate, to remain with their families or return to their families in a timely manner
- promote the safety, permanence, and well-being of children in foster care and adoptive families
- provide training, professional development, and support to ensure a well-qualified workforce

g. **The Promoting Safe and Stable Families, Family Preservation, and Kinship Navigator, Title IV-B Subpart 2** grant, per sections 430-439 of the Social Security Act, had total federal expenditures per the 2024 SEFA of \$6,643,388. The foundational goals of this grant award are to prevent the unnecessary separation of children and youth from their families, improve the quality of care and services to children, youth, and their families, and ensure permanency for children and youth by reuniting them with their parents, by adoption, or by another permanent living arrangement. The grant requires service delivery in the following four categories:

- Family support
- Family preservation
- Family reunification
- Adoption promotion and support

h. **The Every Student Succeeds Act/Preschool Development Grant**, in Public Law 114-95, Title IX, Section 9212, had total federal expenditures per the 2024 SEFA of \$8,691,713. These funds provide critical assistance to states to help low-income and disadvantaged children enter Kindergarten prepared and ready to

succeed in school, including the transition to elementary school. The grant requires programs to meet five key activities including:

- tracking number of children being served,
- develop a strategic plan that includes collaboration, coordination, and quality improvement activities
- ensure parents are informed from a child's birth regarding program availability and offer opportunities for parent involvement
- share best practices to increase collaboration and efficiency of service delivery across the state
- improve the overall quality of statewide early childhood care and education programs through evidence-based practices, improved professional development for providers, and enhanced learning opportunities for children

i. **The Maternal Infant and Early Childhood Home Visiting Formula Grant**

awarded through the Health Resources and Services Administration per 42 U.S.C. § 711. The total federal expenditures per the 2024 SEFA was \$10,751,776. This program provides home visits by a nurse, social worker, early childhood educator, or other trained professionals during pregnancy and in the first years of an eligible child's life. These home visits help prevent child abuse and neglect, support positive parenting, improve overall health for both the mother and child, and promote development in school readiness.

j. **Medicaid** awarded through Title XIX of the Social Security Act. The total federal

expenditures per the 2024 SEFA was \$33,723,039. Funds include services for targeted case management, rehabilitative services, therapeutic care for children

and youth with open child welfare cases and who have behavior disorders, many of whom are in group care or therapeutic foster settings.

- k. **The Social Services Block Grant**, Title XX of the Social Security Act, had total federal expenditures per the 2024 SEFA of \$41,055,399. Grant funds are provided to states to assist in providing social services for individuals, families, or an entire population group in need of assistance. Payments fund both direct services for children and families with open child welfare cases and staff who serve these families. Funding accomplishes the following goals:

- prevent, reduce, or eliminate dependency
- achieve or maintain self-sufficiency
- prevent neglect, abuse, or exploitation of children and adults
- preserve, rehabilitate, or reunite families
- prevent or reduce inappropriate institutional care
- secure admission or referral for institutional care when other forms of care are not appropriate

- l. Programmatically, Title IV-E funding is allocated into three separate categories:
- i. **Title IV-E Foster Care**, Sections 471-472 of the Social Security Act, states must also administer Title IV-B Subpart 1 programs via the federally approved Title IV-B Subpart 1 plan as a condition of receiving Title IV-E federal funds. Total federal expenditures per the 2024 SEFA was \$163,995,539. The Title IV-E Foster Care program helps provide safe and stable out-of-home care for children and youth until they are able to return home safely, are placed with adoptive families, or placed in other planned arrangement for permanency. Payments are made directly to caregivers to reimburse for the following costs: shelter, food, personal incidentals, clothing, school supplies, transportation or travel costs for visitation and to

the child's school of origin, increased day-to-day supervision for a child with special needs, additional physical care of the child by the caregiver, and specialized equipment or items needed for a specific child not otherwise reimbursed by Medicaid.

- ii. **Title IV-E Adoption Assistance Program**, Sections 471-473 of the Social Security Act, states must also administer Title IV-B Subpart 1 programs via the federally approved Title IV-B Subpart 1 plan as a condition of receiving Title IV-E federal funds. Total federal expenditures per the 2024 SEFA was \$56,689,997. Funds for this program are made directly to adoptive parents pursuant to an agreement with caregivers. These payments support the permanent placement of children and youth with special needs in appropriate adoptive homes. This assistance helps prevent inappropriately long stays in foster care and promotes healthy development of children through increased safety, permanency, and well-being.
- iii. **Title IV-E Guardianship Assistance Program**, Section 473 of the Social Security Act, States must also administer Title IV-B Subpart 1 programs via the federally approved Title IV-B Subpart 1 plan as a condition of receiving Title IV-E federal funds. Total federal expenditures per the 2024 SEFA was \$3,922,310. The primary goal of the Guardianship Assistance Program is to help provide ongoing assistance to relatives who have assumed legal guardianship of children who meet federal eligibility criteria and for whom they previously cared as foster parents. Assistance is intended to prevent long-term stays in foster care and promotes the healthy development of children through familial connection, increased safety, long term permanency, and overall well-being.
- m. Programmatically, Child Care Development Funding (CCDF) is allocated in two separate categories:

- i. **Child Care Mandatory** and **Child Care Matching** grants, Section 418 of the Social Security Act, had total federal expenditures per the 2024 SEFA of \$109,883,599. Funds subsidize childcare for low-income families who meet federal eligibility criteria in which parents are working or attending training or educational programs. These funds help promote overall quality childcare for all children regardless of their subsidy receipt.
- ii. **Child Care Discretionary Grant**, Child Care and Development Block Grant Act of 1990 (CCDBG Act as amended), had total federal expenditures per the 2024 SEFA of \$264,630,110. Discretionary funds are used in coordination with Child Care Mandatory and Matching funds to help low-income families access quality childcare, furthering self-sufficiency in families. DCYF distributes these funds directly to childcare providers.

16. Pausing or terminating federal funds would result in drastic cuts to fundamental DCYF services on which Washington residents depend. This threat to federal funding comes at a precarious time for Washington State. Washington currently faces a forecasted budget deficit of more than \$12 billion over the next four years. Many Washington State agencies including DCYF are facing budget cuts. Due to lack of funding, DCYF is targeting a reduction of \$300,060,000 in the next biennium (for fiscal years 2025-27).

17. Moreover, the federal funding appropriated by Congress is necessary to recover expenditures that have already been made, many of which were made pursuant to federally approved state plans, and to honor our ongoing commitments to not only the Washington children and families we serve, but also the providers who serve them, many of whom are individuals and small businesses.

18. Following the reported federal funding freeze on January 28, 2025, DCYF received correspondence from providers, asking for the status of their payments in light of the federal

funding freeze and inconsistent statements by the federal government about whether the freeze was still in place or would be reinstated. The uncertainty of the availability of payments threatens DCYF's ability to draw and receive federal funds. DCYF relies on individuals and providers to provide services to children and families served by its systems. Uncertainty of payments threatens the viability of these systems, the livelihoods of our providers and individuals who receive payments for these services, and most importantly, the safety and well-being of the children and families served through them.


19. DCYF draws down funds of eligible expenditures from the federal payment system on scheduled twice-monthly dates unless a special draw is needed, in which case an additional draw is made. On January 28, 2025, DCYF tried to complete a special draw to obtain available federal funds at 6:30am and 7:00am, and no funds were available. The message provided in the payment system stated: Message: Temporary Pause on Disbursement of Federal Financial Assistance. No funds could be obtained at the time. At 2:32pm DCYF again attempted to run a special draw, which was successful, and because the payment system was not operational until then, the payment was delayed beyond the normal scheduled timeframe. Included within these funds were significant federal reimbursements for payments DCYF had already made and for which it was owed reimbursement. In fact, the largest amount of federal funds for which DCYF obtains federal payments are reimbursements for payments already made, rather than funds for future payments.

20. Despite the rescission of the M25-13 OMB memo, the federal government has stated publicly and repeatedly that they intend to freeze federal funds, thus exacerbating the already significant risk to Washington State residents that the federal government will not honor their commitment to reimburse the state for payments already made, or make eligible payments of appropriated funds, which would leave the state financially responsible for the federal government's dereliction of its commitments.

21. Federal withholding of additional billions of dollars in appropriated federal funding, even temporarily, will drastically and immediately worsen Washington's budget shortfall, and cripple critical DCYF programs serving some of Washington's most vulnerable citizens. Withholding funding will place children, youth and families in Washington State in great jeopardy. If childcare providers are not reimbursed timely, they may refuse to care for children, who without appropriate care could be in dangerous circumstances while their parents work. Youth in extended foster care or relying on an education voucher could become homeless or be removed from their higher education program. Grandparents caring for their grandchildren unexpectedly would lose critical financial support, increasing family stress and the likelihood that children will have to be moved to non-relative foster care. Washington State would either have to cut these critical programs or incur vast additional state expense to ensure our children's safety and well-being.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

Executed this 5th day of February 2025, in Olympia, Washington.



JENNY HEDDIN
Deputy Secretary, Chief of Staff
Washington State Department of Children, Youth,
and Families